

Notice of Allowability

Application No.

10/637,080

Examiner

Duy M. Dang

Applicant(s)

CROSBY ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed April 19, 2007.
2. ☒ The allowed claim(s) is/are 7-13,20-24 and 38-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Invention of Group II, claims 7-13, 20-24, and 38-47 in the reply filed on April 19, 2007 is acknowledged.
2. This application is in condition for allowance except for the presence of claims 1-6, 14-19, and 25-37 directed to Invention of Group I, claims 1-6, 14-19, and 25-37, non-elected without traverse. Accordingly, claims 1-6, 14-19, and 25-37 have been cancelled.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. The application has been amended as follows:

In the Specification:

-At page 8 line 7, delete "5,710,83" and insert "5,710,833".

In the Claims:

-Cancel claims 1-6, 14-19, and 25-37.

Allowable Subject Matter

5. Claims 7-13, 20-24, and 38-47 are allowed.
6. The following is an examiner's statement of reasons for allowance:

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Regarding claim 7, the cited prior art fails to teach or suggest the claimed features as recited at steps (a)-(m). Likewise, claims 8-11 depend from claim 7 and therefore are allowed for the same reasons.

Regarding claim 12, the cited prior art fails to teach or suggest the claimed features as recited at steps (a)-(m).

Regarding claim 13, the cited prior art fails to teach or suggest the claimed features as recited at steps (a)-(p).

Regarding claim 20, the cited prior art fails to teach or suggest the claimed features as recited in claim. Specifically, the claimed features recites at lines 5-27 are not disclosed in the cited prior art. Likewise, claims 21-24 depend from claim 20 and therefore are allowed for the same reasons.

Regarding claim 38, the cited prior art fails to teach or suggest the claimed features as recited at steps (a)-(m). Likewise, claims 39-42 depend from claim 38 and therefore are allowed for the same reasons.

Regarding claim 43, the cited prior art fails to teach or suggest the claimed features as recited at steps (a)-(m). Likewise, claims 44-47 depend from claim 43 and therefore are allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Pfeiffer et al. (USPN 5,960,097) and Shyu (USPN 6,724,9160) are examples of the same of invention that of target detection/recognition.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd
6/07


DUY M. DANG
PRIMARY EXAMINER